

Exhibit D

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)	
)	
Plaintiff)	Civil Action
)	
)	No. 19-12551-FDS
vs.)	
)	
GOOGLE LLC,)	
Defendant)	

BEFORE: CHIEF JUDGE F. DENNIS SAYLOR, IV

STATUS CONFERENCE

John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210

July 18, 2023
3:30 p.m.

Valerie A. O'Hara, FCRR, RPR
Official Court Reporter
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210
E-mail: vaohara@gmail.com

1 which is take this a step at a time, okay? As we say, we don't
2 know how deep this hole is, and the place to start is with
3 initial steps.

4 This is, again, not so unimportant that it's not worth
5 bothering about. I think it is significant enough that this is
6 worth the trouble. First, I'm going to authorize a deposition
7 of Dr. Dean. I think it is probably correct that that is not
8 going to take seven hours or anything close to it.

9 It ought to be about the e-mail, about if he was
04:05PM 10 involved, and maybe he had no involvement, the steps that led
11 to the production of the e-mail in connection with this
12 litigation, and, of course, a penumbra around the e-mail, if he
13 remembers anything, subsequent discussions, follow-up e-mails,
14 what have you.

15 I think all of that is fair game. And where we go
16 from there, I don't know. It may be that we need one or two
17 other depositions or three or four, I don't know. Are you
18 willing, at least -- well, let me ask Mr. Timbers, would you
19 expect to take these by video as opposed to getting on an
04:06PM 20 airplane?

21 MR. TIMBERS: Yes, by video.

22 THE COURT: All right. And I think the thing to do is
23 to get that process underway. As far as the 30(b)(6)
24 deposition, you may be entitled to it. What I think I'd like
25 to do at this stage is to have you continue to meet and confer

1 and to settle whatever it is you think you can settle in terms
2 of at least so you understand Google's position, here's how the
3 documents were searched for, here's how they were collected,
4 here's what happened, obviously, without revealing privileged
5 information unless I'm convinced that somehow privilege has
6 been waived, or work product, for that matter, but making the
7 best headway you can make on that topic voluntarily and then
8 see where we are and whether any follow-up is necessary for
9 purposes of fairness.

04:07PM 10 And I don't know the answer to any of that. This is
11 almost exactly 20 years ago -- 10 years ago, I'm sorry, the
12 e-mail, you know, it may be that you get a whole lot of I don't
13 remembers, and I don't know where this path leads. I'll let
14 you start down the path.

15 I'm not going to put an artificial time limit on the
16 deposition, but the basic topics are not a replay, obviously,
17 of everything Dr. Bates ever did, but this e-mail, things that
18 are reasonably related to this e-mail, which include the
19 circumstances under which the e-mail was collected and produced
04:08PM 20 and conversations, exchanges of information, or whatever that,
21 again, in some way connected this e-mail that in fairness you
22 didn't have a chance to ask about before.

23 I'm not going to say it's literally the e-mail itself
24 because that's too narrow, but this is not a chance for a whole
25 other bite at the apple, it's in some way relating to or

C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I do hereby certify that the foregoing transcript,
Pages 1 through 39 inclusive, was recorded by me
stenographically at the time and place aforesaid in Civil
Action No. 19-12551-FDS, SINGULAR COMPUTING LLC vs. GOOGLE LLC
and thereafter by me reduced to typewriting and is a true and
accurate record of the proceedings.

Dated July 19, 2023.

s/s Valerie A. O'Hara

VALERIE A. O'HARA
OFFICIAL COURT REPORTER